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DEPARTMENT OF ECOLOGY

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May 25, 2012

Michael A. Bussell, Director
Office of Water and Watersheds
United States Environmental Protection Agency
Region 10
1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

RE: Spokane River Regional Toxics Task Force

Dear Mr. Bussell,

This letter is in response to your January 27, 2012 letter expressing EPA's commitment to the Spokane River Regional Toxics Task Force (Task Force). The Washington State Department of Ecology (Ecology) appreciates EPA's commitment as demonstrated by the dedication and participation of staff in the development of the Task Force Memorandum of Agreement (MOA) and other Task Force efforts. Further, Ecology agrees that any concerns discussed with the Task Force by EPA can be incorporated into the MOA when Idaho NPDES permits are final.

As you are aware, Ecology has a robust TMDL program, and regularly submits TMDLs to EPA for review and approval. Ecology believes the Task Force, which is a broad and diverse group of wastewater and stormwater permittees, regulatory agencies, environmental groups, and tribes from both Washington and Idaho, represents an innovative and expedient option to start reducing PCBs to the Spokane River. Acknowledging there is over 30 years of data on Spokane River PCBs, Ecology believes we have enough information to proceed with implementation of PCB source control in an adaptive management process through the Task Force. Among other items, the MOA requires that the Task Force develop a work plan that provides recommendations to reduce point and nonpoint sources of PCBs and other toxics. Implementation of the work plan will require that PCB source reduction activities take place throughout each permittees treatment and conveyance systems. By the end of five years, Ecology, in consultation with the Task Force and its regulatory partners (EPA, Idaho Department of Environmental Quality, Spokane and

Coeur d' Alene Tribes), will determine the amount of progress in reducing PCBs by considering the entire spectrum of data collected by the Task Force members. Ecology fully expects these problem-solving activities will result in measurable progress towards meeting applicable water quality standards.

As described in the Washington NPDES wastewater permits and MOA, if Ecology determines the Task Force is failing to make measurable progress toward meeting applicable water quality criteria for PCBs, Ecology would be obligated to proceed with development of a TMDL in the Spokane River for PCBs or determine an alternative to ensure water quality standards are met. Ecology remains committed to proceeding with a TMDL should it be necessary. However, Ecology and the Task Force agree that working together to remove PCBs at their source with the information we have now is a preferable first alternative. Consequently, we believe our decision to not prioritize development of a PCB TMDL at this time is a sound decision that will allow us to make immediate progress on reducing PCB discharges and bringing the Spokane River into compliance with water quality standards.

I appreciate EPAs commitment to improving Spokane River water quality and I am confident we will be successful in reducing PCBs working together through the Task Force. If you have any questions, please contact Jim Bellatty at (509) 329-3534 or james.bellatty@ecy.wa.gov.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Kelly Susewind', written in a cursive style.

Kelly Susewind, P.E., P.G.
Water Quality Program Manager

bcc: Jim Bellatty, Ecology
Ron Lavigne, AGO